HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 118 (S/S)2005

1. Virendra Singh, son of Chet Ram Singh, working as Head Master in Primary School Riyar Malla, District- Nainital.
2. Haricharan Singh, son of Sukhan Singh Presently working as Head Teacher in Primary School Katinee Gazar Betalghat, Nainital.
3. Suresh Singh, son of Bhola Singh, working as Assistant Teacher in Junior High School Bansi Kotabagh, District-Naintial.
4. Ram Prasad Yadav, son of Name Singh Yadav working as Assistant Teacher, Junior High School, Kun Khet Kotabagh, Nainital.
5. Chandra Pal Singh, son of Sri Fakeer Chandra working as Assistant Teacher in junior High School, Kunkhet, Kotabagh, District – Nainital.

...Petitioners.

Vs.

1. Joint Director Education Nainital.
2. Basic Shiksha Adhikari, Udhamsingh Nagar.
3. Basic Shiksha Adhikari, Nainital.

...Respondents.

Sri S.S. Yadav, learned counsel for the petitioners,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Yadav, learned counsel for the petitioners and learned Standing Counsel for the respondents.

By means of this petition, the petitioners, who are Assistant Teacher in Basis School in the district Nainital, have prayed for a writ, order or

direction in the nature of mandamus directing the respondents to relieve the petitioners for district Udham Singh Nagar from district Nainital on the vacant posts of Assistant Teacher.

Contention of the petitioners is that the petitioners were appointed as Assistant Teachers in Basic School in district Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioners were teaching in district Nainital, therefore, options were invited from the petitioners and they have opted for district Udham Singh Nagar. The respondent no. 2 has prepared a list in which names of petitioners no. 1 and 3 are at serial no. 79 and 76 respectively. Learned counsel for the petitioners has submitted that petitioners no. 2, 4 and 5 have also submitted their option but their names have not found place in the aforesaid list. The petitioners have made representation several times before the authority concerned to relieve them for the district they have opted. Till date, the respondents have not taken any decision on the representation and they are not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioners within a period of four weeks from the date of receipt of a certified copy of this order.

The petitioners are directed to place the copy of this order alongwith their representation before the Joint Director of Education Basic Kumaon Region, Nainital/ In-charge Regional Basic Schools Kumaon Mandal within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

February 14, 2005
SKS